

Applicants note that the confusion created by the election made on October 7, 2002 was based on typographical errors, and the election, as set forth herein, is the election which Applicants had intended to make. Applicants thank the Examiner for noting the issue.

With regard to a species, Applicants again hereby elect, with traverse, interleukin-2 (IL-2), for purposes of examination.

REMARKS

Turning now to the restriction requirement, Applicants respectfully traverse. Unity of invention is fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. 37 C.F.R. § 1.475. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. *Id.* Applicants respectfully submit that the pending claims of the present invention all share the same technical feature. All of the claims relate to cytotoxic treatment, using chemokines and other cytotoxins.

Further, under M.P.E.P. § 803, a restriction is proper if the subject matter can be restricted into one of two or more claimed inventions, and these inventions are either independent (M.P.E.P. § 806.04) or distinct (M.P.E.P. § 806.05). However, the second element for a restriction requirement to be proper is that if the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to

independent and distinct inventions. Furthermore, the Office has not set forth an explanation of how a search of the claimed invention would be burdensome. Applicants respectfully request that the restriction requirement be withdrawn or, at the very least, reconsidered.

Withdrawal of the restriction requirement and further and favorable consideration of all the claims of record on the merits is respectfully requested.

CONCLUSION

Applicants submit that the present application is fully in condition for examination. An early examination on the merits is earnestly solicited.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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